United Nations S/2018/683

Security Council

Distr.: General
10 July 2018

Original: English

Nineteenth report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report, submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013), covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of my previous report dated 19 April (S/2018/353).

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

2. During the reporting period, the Ministry of Defence of Iraq continued to investigate a number of potential burial locations, including the naval base site in Kuwait and the Khamisiyah, Radwaniyah, Sulaymaniyah, and Salman Pak sites in Iraq. As part of those efforts, the Ministry followed up with witnesses, as well as with relevant government bodies, to verify all acquired information in an effort to identify exact burial locations. While no new developments were registered, the sites in question will remain open as the Ministry continues to search for more information. The technical team of the Ministry also undertook exploration and excavation work at the Khamisiyah, Karbala' and Samawah sites. No human remains or grave-like features were found at the Khamisiyah and Samawah sites. Human remains were recovered from the Karbala' site and sent to the Iraqi Medico-Legal Directorate for DNA analysis and genetic profiling. Calls for witnesses continue to be publicized regularly on satellite television channels by the Office of the Spokesperson of the Ministry of Defence of Iraq, most recently on 17 April 2018, inviting those with information on missing Kuwaiti persons and property to come forward.

3. On 21 April, the United Nations Assistance Mission for Iraq (UNAMI) attended in its observer capacity the 103rd meeting of the Technical Subcommittee of the tripartite mechanism. The meeting was held in Baghdad for the second time in 15 years. The Iraqi delegation reiterated its long-standing request to the delegations of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America to provide imagery or analyses of imagery from the 1990–1991 period as a means of identifying and pinpointing potential burial locations. The Ministry of Defence of Iraq expressed its readiness to submit official letters to the relevant administrations of the members of the tripartite mechanism in an effort to

18-10990 (E) 110718

Please recycle

expedite the process. Attesting to the importance of the imagery for the work of the mechanism, the International Committee of the Red Cross (ICRC) procured a satellite image from 1990 of the Samawah site, which is being analysed.

4. UNAMI, for its part, provided an update to the members of the tripartite mechanism on its efforts to check the availability of satellite imagery, in accordance with the mechanism's decision taken at the 102nd meeting of the Technical Subcommittee. UNAMI informed the members that it had approached relevant sources through the Global Service Centre of the United Nations in Brindisi. Unfortunately, those sources were not in possession of images of the sites under consideration for the 1990–1993 period. Imagery from 1999 onward was, however, available and could be procured at a cost. Owing to the lack of reliable information and having exhausted all available avenues, the members agreed to close the following files in response to the request tabled by the Iraqi delegation during the meeting: the Sabahiyah location in Kuwait and the Basrah and Jisr Rumaylah sites in Iraq. The members agreed to continue joint Iraq-Kuwait-ICRC excavation and exploration work at the Samawah site, which were suspended on 8 May with plans to resume after the holy month of Ramadan.

5. On 22 April, in Baghdad, UNAMI attended in its observer capacity the Subadvisory Working Group meeting on the findings and recommendations of the ICRC review project. The recommendations outlined the following needs: (a) application of appropriate methodology; (b) prioritization of sites; (c) provision of forensic capacity and training; (d) exploration of supplementary sources of information; (e) standardization of procedures and reporting; (f) implementation of appropriate procedures for the identification of human remains; and (g) consideration of the needs of the families of the missing. The delegations stressed the importance of the project and expressed hope that the recommendations would translate into a concrete plan of action. The participants provided largely positive feedback on the recommendations, with the Iraqi and Kuwaiti delegations emphasizing the need to reflect the uniqueness of the file on missing Kuwaitis and ensure that the recommendations were sufficiently flexible to adapt to new developments. Both delegations highlighted the pressing need for forensic capacity-building and training of their technical teams and strongly encouraged the members of the tripartite mechanism and UNAMI to explore all options available to provide much-needed support. The Iraqi delegation also requested technical support, including the provision of equipment, for the Zubayr Centre of the Martyrs' Foundation, in connection with the recommendation dealing with the identification and storage of human remains.

6. The proposal by UNAMI to undertake a pilot project to conduct mass grave site surveys in Iraq using ground-penetrating radar technology with the help of the Global Service Centre in Brindisi was welcomed by the members of the tripartite mechanism. In line with the multifaceted approach advocated by ICRC in its review project, the initiative would also encompass the provision of training and capacity-building to the technical teams on the use of ground-penetrating radars and data analysis. The members decided that the option of procuring imagery from the post-1999 period, as previously tabled by UNAMI, should not be explored further but could be revisited at a later stage, if deemed appropriate. Additional feedback on the report and on proposals by UNAMI will be integrated over the coming months into the final version of the ICRC review project report and tabled for validation by members at the next Technical Subcommittee meeting, expected to take place in the second half of July 2018. The final document will form a starting point for a plan of action on the basis of which tangible results, grounded in professional standards and best forensic practice, might be reached.

7. On 22 April, in Baghdad, my Special Representative for Iraq met the Chair of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs,

Ibrahim al-Shaheen, and other members of the Committee, who highlighted the importance of satellite and aerial imagery in locating burial sites and of continuing exploration and excavation work at the Khamisiyah and Samawah sites. Emphasis was also placed on the need to acquire modern excavation equipment and provide training to the technical teams. My Special Representative informed the Committee members that he had raised the matter with the Security Council and called for support and assistance from the international community in that regard.

8. On 24 April, in Baghdad, UNAMI attended in its observer capacity the 46th session of the Tripartite Commission. The attending delegations reiterated their commitment to the tripartite mechanism and underlined its key role in steering efforts related to the missing Kuwaiti and third-country nationals onto the right track to achieve positive outcomes. They agreed that the way forward recommended by the ICRC review project presented a major opportunity to optimize future activities. The observer status of UNAMI was renewed during the meeting, with the delegations welcoming its positive and proactive efforts in helping and assisting the humanitarian process.

9. Since the conclusion of the meetings, UNAMI has been working with the Global Service Centre and ICRC to put together a detailed brief for a ground-penetrating radar pilot project with the aim of presenting it at the next meeting of the Technical Subcommittee, in Kuwait.

III. Recent activities with regard to the return of Kuwaiti property

10. On 19 April, representatives of UNAMI and of the Legal Department of the Ministry of Foreign Affairs of Iraq met, and the latter reiterated the commitment at the highest levels of the Government of Iraq to the file on missing Kuwaitis and expressed readiness to cooperate with UNAMI to hand over already located property to Kuwait. Discussions were held on how best to implement and expedite the process, including how to overcome logistical challenges. Considering the large volume of books and other items uncovered, the transfers may need to take place in several stages. UNAMI reiterated its offer to transport the itemized Kuwaiti property by air. UNAMI further emphasized the importance of transferring available items expeditiously and encouraged the Government of Iraq to continue to work with the Ministry of Foreign Affairs of Kuwait to come to an agreement with the Government of Kuwait on a date for the official handover of property.

11. Subsequently, on 28 May, the Iraqi Ministry of Foreign Affairs informed UNAMI that it was working on scheduling an official meeting to hand over the first consignment of located Kuwaiti property.

Observations

12. I commend the efforts of Iraq and Kuwait with respect to the file of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives. I remain confident that the strong support and solidarity demonstrated by Kuwait, and the commitment shown by Iraq to its international and humanitarian obligations, will provide the impetus required to reach the full normalization of relations.

13. I remain disappointed that, despite all efforts, the human cost of the first Gulf War still lingers, with families of the missing waiting for more than 26 years to discover the fate of their loved ones. However, the forward-looking approach and concrete recommendations emerging from the tripartite mechanism, as witnessed

during the meetings held in Baghdad in April 2018, serve as an excellent example of how to tackle challenges and reinvigorate the search for missing persons. I especially thank ICRC for its unwavering commitment and valuable guidance during this process. I welcome the active participation of the Ministry of Defence of Iraq under the mechanism, along with its evident dedication and desire to fulfil its international and humanitarian obligations. I am confident that the action plan based on the findings of the ICRC review project has the potential to move the file forward and attain much-needed results. As part of those efforts, I encourage individual members of the tripartite mechanism and the wider international community to determine where they can target their support, in particular with respect to capacity-building, technical training and the analysis of the satellite imagery. I hope that the initiative by UNAMI to undertake a pilot project to survey mass grave sites in Iraq will help to bring long-awaited answers to the grieving families.

14. I welcome the ongoing discussions between the Ministries of Foreign Affairs of Iraq and Kuwait on setting a date for the official handover of already located Kuwaiti property, which has been pending for over a year. Separately, I urge the Ministry of Foreign Affairs of Iraq to revive its search for the missing national archives, including through a public outreach campaign.

15. My Special Representative, Deputy Special Representative and the staff of UNAMI remain fully committed and proactive in promoting and facilitating efforts in support of the UNAMI mandate.